

H. Bruce Bronson, Esq.
480 Mamaroneck Ave.
Harrison, New York 10528
Tel.: (914) 269-2530
Fax: (888) 908-6906
Attorney for the Debtor
hbbronson@bronsonlaw.net

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

JIMMIE L. SUNDSTROM,

Debtor

Chapter 11

Case No.: 16-22917 (RDD)

-----X

HCNP 1 LLC,

Plaintiff

-against-

Adv. Pro. No. 17-08326 (RDD)

JIMMIE L. SUNDSTROM,

Defendant

-----X

**ANSWER OF DEFENDANT JIMMIE L. SUNDSTROM TO COMPLAINT OBJECTING
TO DISCHARGE**

Defendant JIMMIE L. SUNDSTROM (“Defendant” or “Debtor”) by counsel Bronson Law Offices, P.C., as and for his answer to the complaint (the “Complaint”) filed by plaintiff HCPN 1 LLC (“Plaintiff”), respectfully states and alleges as follows:

1. Defendant admits the allegation contained in paragraph “1” of the Complaint.
2. Defendant admits the allegation contained in paragraph “2” of the Complaint.
3. Defendant admits the allegation contained in paragraph “3” of the Complaint.

4. Defendant admits the allegation contained in paragraph “4” of the Complaint.
5. Defendant admits the allegation contained in paragraph “5” of the Complaint.
6. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “6” of the Complaint.
7. Defendant admits in part and denies in part knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “7” of the Complaint.
8. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “8” of the Complaint.
9. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “9” of the Complaint.
10. Defendant admits paragraph “10” of the Complaint.
11. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “11” of the Complaint.
12. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “12” of the Complaint.
13. Defendant admits paragraph “13” of the Complaint.
14. Defendant admits paragraph “14” of the Complaint.
15. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “15” of the Complaint.
16. Defendant admits the allegations contained in paragraph “16” of the Complaint.
17. Defendant denies paragraph “17” of the Complaint.
18. Defendant denies paragraph “18” of the Complaint.
19. Defendant denies paragraph “19” of the Complaint.

20. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “20” of the Complaint.
21. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “21” of the Complaint.
22. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “22” of the Complaint.
23. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “23” of the Complaint.
24. Defendant denies the allegations contained in paragraph “24” of the Complaint.
25. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “25” of the Complaint.
26. Defendant admits the allegation contained in paragraph “26” of the Complaint.
27. Defendant denies the allegations contained in paragraph “27” of the Complaint.
28. Defendant denies the allegations contained in paragraph “28” of the Complaint.
29. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “29” of the Complaint.
30. Defendant admits in part and denies in part the allegations contained in paragraph “30” of the Complaint.
31. Defendant admits in part and denies in part the allegations contained in paragraph “31” of the Complaint.
32. Defendant denies the allegations contained in paragraph “32” of the Complaint.
33. Defendant denies the allegations contained in paragraph 33 of the Complaint.
34. Defendant denies the allegations contained in paragraph 34 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

35. Defendant asserts that Plaintiff has failed to mitigate any potential damages by selling the Property to the highest bidder in that there was a higher offer when the property was sold.
36. Plaintiff purchased the property for less than its fair market value.

SECOND AFFIRMATIVE DEFENSE

37. Upon information and belief, Plaintiff is the owner of the property and has not established a market price from which a deficiency can be determined making this action premature.

THIRD AFFIRMATIVE DEFENSE

38. Plaintiff has failed to state a claim from which relief can be granted.

FOURTH AFFIRMATIVE DEFENSE

39. Plaintiff's loss was caused, at least in part, by its own actions of failing to pay the taxes on the property which resulted in large property tax penalties.

Wherefore, Defendant Jimmie L. Sundstrom demands judgment dismissing the Plaintiff's Complaint in its entirety and that the Court award such other and further relief as the Court may deem just and proper.

Dated: Harrison, NY
December 14, 2017

Respectfully Submitted:

BRONSON LAW OFFICES PC
ATTORNEY FOR DEBTOR
480 Mamaroneck Ave.
Harrison, NY 10528
(914) 269-2530

By:/s/ H. Bruce Bronson

TO: J. Eric Charlton
Barclay Damon LLP
Barclay Damon Tower
125 East Jefferson Street
Syracuse, NY 13202

U.S. Trustee
United States Trustee
74 Chapel Street
Albany, NY 12207